

House Bill 389  
February 6, 2007  
Presented by Chris Smith  
House Fish, Wildlife & Parks Committee

EXHIBIT 4  
DATE 2.6.07  
HB 389

Mr. Chairman and committee members, for the record I am Chris Smith, Chief of Staff of Montana Department of Fish, Wildlife & Parks (FWP).

HB 389 directs FWP to include a requirement that public lands and public roads remain open during the big game hunting season as part of our elk management plan. While FWP agrees that public hunting access is essential to effective elk management, FWP has no jurisdiction over public lands, other than Wildlife Management Areas, and has no authority regarding public road closures. Land management agencies, such as Montana Department of Natural Resources and Conservation (DNRC), the U.S. Bureau of Land Management (BLM), U.S. Forest Service (USFS), and U.S. Fish and Wildlife Service make these decisions.

FWP has participated in other agencies' planning processes, and has recommended that roads in some areas be closed to increase elk security where elk numbers or age ratios are below objective. We have also requested that roads be opened to increase harvest if elk numbers exceed objectives. In some cases our recommendations are accepted. In others they are not, because the land management agency is basing their decision on more criteria than our elk management needs. For example, the need to keep a road closed to prevent erosion, prevent spread of noxious weeds or to provide secure habitat for federally listed species may over-ride FWP's request to open a road to increase elk harvest.

Given the lack of jurisdiction, including this provision in statute will not have any impact on FWP's ability to achieve harvest and population objectives for elk. Successful elk management requires site-specific management of access on both public and private land. FWP will continue to work with all landowners, public and private, in an effort to manage elk numbers within objectives set by the commission.

HB 389 also directs the FWP Commission to consider landowner tolerance when deciding to restrict elk hunting on surrounding public land within a particular hunting district and defines "landowner tolerance" as the written opinion of an affected landowner regarding impacts to the landowner's private property. The FWP Commission already considers landowner tolerance, expressed in writing or verbally, when setting population objectives for elk in elk plans as well as when setting seasons and quotas for hunts. We have surveyed landowners through the mail, we talk with landowners at public meetings, in our offices and over coffee in their kitchens and we receive input from landowners via email and letters.

As long as the language in HB 389 does not preclude FWP from continuing to consider verbal as well as written input from landowners, adding this language to the statute will not have any impact on elk management. If the intent of the statute is to limit the commission to consideration of written input, the FWP Commission could be deprived of important views held by landowners.